

The Chief Justice—No. 1

Witness: The liquor was retailed at a higher price than that charged by me to the Home. The profit went to the Home. The liquor is sold to the barkeeper at a certain rate, and he returns more than the amount required, he gets part of it as wages.

The books of the Bar account were handed to witnesses, who explained the accounts, by giving an item by item, the receipts were \$357.73, and the sum of \$35 was paid to the barkeeper as wages.

The Chief Justice observed that this was probably to make him economical, and careful not to waste the liquor. He then asked Mr. Hayler: "You put a different construction on it, and look upon it as a premium to him to sell as much liquor as he can."

Witness: The bar has a license, and we supply any kind of liquor to come. The license is always supposed to pay cash. The barman orders not to give credit, and if he gives credit there is a loss, I suppose the Home loses it. I never stopped any money for it. I have told him not to give any money for it. He did not give credit, we should lose it. Our account, he gives credit it is his own risk.

The Court here adjourned for an hour. Captain Overbury was further examined after the adjournment.

The Attorney-General asked how the credit was given at the barkeeper's risk if the Home lost.

Witness: The Home loses because the man gave away, and the barman is supposed to look after it.

Examination continued: My profit on the purchase in London, and the price at which I sell to the Home, is all I get from the liquor. My profit is not more than \$50 a month, but I have never calculated it. The price at which I supply to the Home is the same as the storekeepers' price, in some things lower. As to shipping men, I make out a list of the men with the dates which they entered the Home. Shipmasters often come and pick up their own goods, and get a promise from them. Others, who do not care to get away, hang about. I have never given preference to any one over another. I have never shipped a man before others because he had no cash to buy beer. As far as I can judge, the men are shipped in due rotation. Men who have spent all their money are kept there until they get a reasonable offer, to ship, and if they will not ship, they are turned out. If they are in debt the loss falls on the Home. In 1871, I lost from this cause some \$5,000 and \$7,000. I do not say I lost as much as that. As to runners, they have their food at the Home, and the Home pays them a dollar a head (unfortunately paid by the Home) for every man shipped. That was the practice when I was in the Home. The Home has since been taken by the best class of ships. The return produced of men entered and shipped in the Home is a correct copy of one that I made.

The Attorney-General then put in a letter from Messrs. Gidley and Bayly to Mr. Bell, asking for a complete retraction of and apology for the charges and insinuations made in the article and letter complained of, and the reply of Mr. Bell, asking for a specific statement of the matters complained of, and offering to explain any error that might have been committed, when so pointed out. These letters were read by the Registrar.

The witness was then cross-examined by Mr. Hayler.

A—When was the bar established at the Home?

A—I believe at the opening of the Home, in 1865.

A—Who was the barkeeper?

A—A Chinese, I put in a barkeeper, Mr. Marshall, in 1867. He left long before the date of these articles.

A—What was your arrangement with Marshall?

The Attorney-General objected to the question as not relevant.

Mr. Hayler said the charges covered the whole time of Captain Overbury's management. He wanted to show the system which had been pursued as to the sale of liquor.

His Lordship suggested that it would be wise to withdraw the objection.

The Attorney-General assented, and the question was put.

A—He was to have \$20 a month wages, to be made up to not less than \$40, according to the returns of the bar.

Q—Was it not the arrangement that he was to have half the profits of the bar?

A—It was not.

Mr. Hayler referred to an entry in March, 1868, of cash returned to the barkeeper, \$55. How was that made up?

Witness: The money he gave me, and the stock he had in hand at the end of the month, was \$769.18.

Q—But how is it calculated?

A—It is not calculated. It is according to how much he returns me above what I had charged.

Q—The amount returned to barkeeper is sometimes \$30, and sometimes \$75.

A—Yes, because he had given me more money in those months.

Q—How much did the Chinaman get?

A—He had \$10 a month, but we never knew what the returns were.

Mr. Hayler asked that in May, 1868, there were 9 casks of ale charged at \$24, and then in the same month these same casks were put down at \$50.

Witness said they came from Lane, Crawford & Co. at \$24. He charged them at \$50, and the \$16 went to the Home as bar receipts.

Q—But why all them at \$50? Why not put them at the exact price?

A—Because you must keep a check on the barkeeper.

Q—What employees are there in the Home?

A—The steward, who is also barman, two runners, and Chinese servants.

Q—What do the runners do?

A—They have to board ships and see if they want crew, also to see the men on board on their departure.

Q—Have you ever had complaints of squeezing on the part of the runners?

A—Yes.

Q—Did you find any of them justified?

A—Yes.

Q—I dare say some of them are true, because men have offered me money to get them a ship.

Q—But what was the result of your investigations?

A—I have recommended the runners for it, they had done it.

Q—By the Home's boat spoken to Capt. Thomas about it, and he said it was impossible to prevent it.

Q—Was one of the runners fined 25 by the Marine Magistrate, Captain Cairns, for squeezing on the part of the Home?

A—Yes.

Q—And have you got him now?

A—Yes.

Q—Did you not discharge him? Is that a proper thing to do with a sailor?

His Lordship enquired who was the complainant in that case, and the Attorney-General having insisted for some time that it was Capt. Overbury, Mr. Hayler said it was Pattison, a sailor.

Q—Why did you keep him?

A—Because he is a man who does his work very well, and is sober and steady.

Q—How are the crews put on board?

A—By the Home's boat.

Q—Are they charged for it?

A—Yes; half a dollar.

Q—Do you remember a case in which you were charged with harbouring deserters by the Home?

A—Yes.

Q—In that case you had received \$36 from the Home.

A—Yes.

Q—Did you not offer to settle that by returning the half of the money?

A—Yes.

Q—Why?

A—Because I thought the Home ought not to lose it all.

The Attorney-General observed that this case was apparently rather wide of the case. He did not wish to object, but merely to say he would have something to say in connection with this case.

Mr. Hayler pointed out that the alleged libel was a charge of gross mismanagement. All that went to show mismanagement was, therefore, relevant.

Examination resumed.

Q—Well, if true you offered this half money to the French Captain?

A—Yes.

Q—I want to know why you did not return the whole money?

A—He refused to take any except I gave all, and so I gave him none.

Q—You gave none at all, and the Home has had the benefit of that \$36?

A—Yes.

Q—Do you look after the shipment of the men yourself, or leave it to the runners?

A—They get paid \$1 for shipping them.

Q—Do they get anything from the Home?

A—No, they get nothing from the Home.

Q—Is not that given to the runners for the purpose of getting the preference?

A—I really cannot tell. I have no doubt that if a man wanted to go to the Colonies or to California they would give the runners more.

Q—Now, don't you know that you have said the men leave your Home strictly in rotation?

A—You know that the runners get money habitually from the men?

Q—Why should the runners have money from all from the men? Is it not an abuse of law and of the Rules of the Home that the runners should get any money whatever from the men?

A—No, they get nothing from the men.

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Vessels Adversely Loading.

DESTINATION	VESSEL'S NAME	CAPTAIN	AT	FOR FREIGHT APPLY TO	TO BE DISPATCHED
LONDON via SUEZ CANAL	Prim (str.)	Hongkong	Butterfield & Swire	To-day, at noon.	Quick dispatch.
LONDON	Green Jacket	Kong	Yogel, Hagdon & Co.	Quick dispatch.	Quick dispatch.
SAN FRANCISCO	Green Jacket	Kong	Yogel, Hagdon & Co.	Quick dispatch.	Quick dispatch.
Do	Edward James	Patterson	Hongkong	Quick dispatch.	Quick dispatch.
Do	Dragon	McClennan	Hongkong	Quick dispatch.	Quick dispatch.
Do	Aden Besse	Besse	Hongkong	Quick dispatch.	Quick dispatch.
Do	See May	Gartton	Hongkong	Quick dispatch.	Quick dispatch.
HAMBURG	Nyassa	Gartton	Hongkong	Quick dispatch.	Quick dispatch.
MELBOURNE AND SYDNEY	Marquis of Argyle	Sorenson	Hongkong	Quick dispatch.	Quick dispatch.
MELBOURNE	Cap-sing-moon	Sorenson	Hongkong	Quick dispatch.	Quick dispatch.
PORTLAND (OREGON)	Cap-sing-moon	Sorenson	Hongkong	Quick dispatch.	Quick dispatch.
Do	Cap-sing-moon	Sorenson	Hongkong	Quick dispatch.	Quick dispatch.
Do	Cap-sing-moon	Sorenson	Hongkong	Quick dispatch.	Quick dispatch.
SPORE, PANG & CALUTTA	Japan (str.)	Wayte	Hongkong	Quick dispatch.	Quick dispatch.
MANILA	Cap-sing-moon	Sorenson	Hongkong	Quick dispatch.	Quick dispatch.
YOKOHAMA	Malacca (str.)	Barredo	Hongkong	Quick dispatch.	Quick dispatch.
SHANGHAI	Malacca (str.)	Barredo	Hongkong	Quick dispatch.	Quick dispatch.
SWATOW, AMOY & POOCHOW	Yassa (str.)	Burnie	Hongkong	Quick dispatch.	Quick dispatch.
AMOI	Samarcand (str.)	Burnie	Hongkong	Quick dispatch.	Quick dispatch.

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